

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
APRIL 22, 2008, 7:30 P.M.
MINUTES**

Call to Order:

The meeting was called to order at 7:30 p.m. by Chairwoman Christina Hembree.

Adequate Notice Statement:

The Chairwoman announced this meeting, in accordance with the Open Public Meetings Law, P.L. 1975, Chapter 231, at the Reorganization Meeting of January 23, 2008, in the Municipal Building. Notice of this meeting was posted and two newspapers, **The Record** and **The Ridgewood News**, were notified. The public was advised of the Zoning Board's rule that the meeting will conclude at 7:30 p.m.

Flag Salute

Roll Call:

Christine Hembree, Chairwoman	Present	
Victor Bongard, Vice Chairman	Present	
Lynda Heinemann	Present	
John Spirig	Present	
Natalie Effron	Present	
Richard Purcell	Absent	
Wilson Castrillon	Absent	
Jacob Rak	Absent	
Dana Cassell	Present	
Sal Princiotta, Esq.	Present	
D. Holmquist, Planner	Absent	(not requested)
J. Pavlovich, Traffic	Absent	(not requested)
E. Sachs, Engineer	Present	
Kathy Rizza, Secretary	Present	

Minutes:

The minutes from the March Zoning Board of Adjustment were approved as amended on a motion from Mr. Spirig, seconded by Mrs. Heinemann, and carried by all.

New Business:

**08-04BA Zega, Mobility Properties
20 Bear Brook, Block 1704, Lot 9**

Elsbeth Crusius of Huntington Bailey was the Attorney for the Applicant. Board Attorney Princiotto gave a brief history of this property. A variance was granted in the past for lot width and a demo permit was issued. Nothing has been built on this property as of yet. An extension of that variance was issued in 2006. This would be the second extension. Ms. Crusius produced both past resolutions on this property. The original resolution from 3-28-06 was marked as Exhibit A-1. The second resolution from 4-24-07 asking for a 12 month extension, was marked as Exhibit A-2. Mrs. Sophie Zega was sworn in by Attorney Princiotto. Mrs. Zega was questioned by Ms. Crusius. Mrs. Zega is the contract purchaser. Her purchase is contingent on the granting of the extension. Her family plans to build their dream house on this property. It will not be a modular home, it will be stick built. The house will not be a “McMansion”, it will be moderate, with a lot of trees on the property. The house will have a stone front and a basement. A diagram of the proposed home was submitted and marked into evidence as Exhibit A-3. It was stated that all prior conditions of the past resolutions will be adhered to and the contract purchasers will abide by the Shade Tree Commission regulations. Mr. Spirig asked when this home will be built. Mrs. Zega stated that they would like to start within 12 months. The Zegas do not want to invest anymore money in this property until they receive the extension from this Board. Mr. Cassell stated that he does not see any problem as long as the home proposed is no different in size than the home that was previously approved. Board Attorney Princiotto stated that the past resolution states that the home will be built as per the plans submitted. Chairwoman Hembree agreed that plans would be needed for the board to make a decision. It was stated by the applicant’s Attorney that the footprint of the home would not be any larger than originally shown on previous plans. It may even be smaller. The front and side yards will be the same. Mr. Spirig stated that it is a positive thing that someone wants to build in town and it is a positive thing that this home will not be a modular home. Mr. Cassell stated that Mr. Saluzzi will have to review all and should have copies of all past resolutions. The Board Attorney stated that we still do not know what will be architecturally built on this site. Ms. Crusius stated that the home will be a four (4) bedroom colonial no greater than 3200 square feet. The footprint is not to exceed Exhibit A-2 from the previously submitted plan. The house will have a stone or brick facade. It was decided that this matter will return on May 20th with the proper drawings.

The meeting was opened to the public on this matter only on a motion from Mrs. Heinemann, seconded by Mr. Cassell, and carried.

Paul Bern of 24 Bear Brook Drive stated a minor concern. The condition of this site has become a safety hazard. There are two fallen trees and steel girders on the property. He will be happy to see construction begin.

The public session was closed on a motion from Mrs. Heinemann, seconded by Mr. Spirig, and carried.

Escrow was discussed in regard to this property and it was stated by the Borough Engineer that sufficient money in the escrow account should be a condition of approval. Ms. Crusius asked how extensive the drawing of the home should be. Mr. Princiotto stated that all elevations should be shown, the location on the lot should be shown, and all zoning schedules should be adhered to. The plans should be signed and sealed by an Architect.

Old Business:

**08-03BA Dhawan
 37 Old Pascack Road, Block 2104, Lot 6**

Application for relocation of a driveway with a site plan ordinance variance requested. Continued from March.

Mr. and Mrs. Dhawan were present. New plans have been received by all members. Boswell Engineering letter of 4-16-08 has also been received. Mr. Princiotto gave a brief summary of the application. A design waiver for the driveway and a variance for lot coverage is requested because of the driveway expansion. Notice to the neighbors and proof of publication was submitted and reviewed by the Board Secretary. All was in order using the last list that had been given to the applicants from the Tax Assessor. The new plans have been reviewed by the Police Department and Boswell Engineering. The following was marked in evidence:

**Exhibit A-11 Scenario 1 – Welter Ave
Exhibit A-11-1 Schedules**

The distance from the corner is 64.59' where 50' is required. Lot coverage is 31.9%, over 1.91% - variance required.

**Exhibit A-12 Scenario 2 – Old Pascack Road
Exhibit A-12-1 Schedules**

The driveway would be 12' wide, pulled away from the intersection. The tree in the way would have to be removed. The driveway is within 50' of the intersecting street.

The applicants met with Mr. Levy of the Shade Tree Committee and he stated that he is in agreement with the tree in the way being removed.

Attorney Princiotto reminded the applicants that they are still under oath. He also mentioned that the tree in question seems to be a town tree. The Board cannot say ok to removing this tree, the resolution would have to be subject to that. Mr. Levy has asked that two (2) new trees be planted. The applicants have no issue with this, they love trees.

Mr. Sachs of Boswell Engineering stated that the tree is close to the power lines and that PSE&G should be consulted on the removal. Mrs. Dhawan stated that their preference for driveway location is scenario 2 – Old Pascack Road. Mr. Sachs reviewed both alternatives. He has no exception to either option, but he is somewhat hesitant with scenario 1 because of the sightlines. Each option requires a design waiver. The tree to be removed is an Ash tree. It is #17 on the plans – A-12. The small dogwood tree behind it also needs to come down. Mr. Levy has inspected the Ash tree and stated to the applicants that it is 50% deteriorated with rot. It is struggling to stay alive. A letter will follow as to exactly how many trees and their species must be planted by the applicants in place of the removed tree. Mr. Spirig stated that in summary scenario 2 is slightly better than scenario 1. Ms. Dhawan asked Mr. Sachs if the development of the Rosengren property will have any effect on their property in regard to traffic. Mr. Sachs responded that he was not the Borough Engineer at the time. He added that construction has just started on the six (6) approved homes. He feels that the traffic impact should be minimal.

The meeting was opened to the public on a motion from Mrs. Heinemann, seconded by Mr. Cassell, and carried.

Ms. Dhawan – asked if the Police are ok with scenario B. She was told yes.

Larry Lauer of 3 Welter Avenue spoke of the traffic flows in the neighborhood. He was against the driveway being on Welter Ave.

The public portion of the meeting on this issue was closed on a motion from Mr. Spirig, seconded by Mrs. Heinemann.

A motion to approve the driveway from Old Pascack Road, scenario 2, with the additional variance for 1.15% of lot coverage, the large Ash tree being removed with notification and coordination with PSE&G, and all approvals and conditions from the Shade Tree Committee, was made by Mr. Spirig, seconded by Mrs. Heinemann, and carried by roll call vote as follows:

Effron	Abstained
Cassell	Yes
Bongard	Yes
Heinemann	Yes
Spirig	Yes
Hembree	Yes
Absent – Messrs. Castrillion, Rak and Purcell	

The resolution will be read at the next meeting.

Correspondence:

7 Edwards - Mr. O'Dowd posted a stop construction order at the site. (Mr. Saluzzi was on vacation). The property is in foreclosure. The attorney has been contacted and advised of the requirements for the Certificate of Occupancy.

Van Wyk - Nothing new on this application. It was stated that Mr. Van Wyk must re-notice when he does come back to the Board.

The meeting was adjourned on a motion from Mrs. Heinemann, seconded by Mr. Spirig and carried.

Respectfully submitted,

Kathleen S. Rizza, Secretary